

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated January 14, 2009. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 1, 3-7 and 9-20 stand for consideration in this application. Claim 20 is being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention. All amendments to the application are fully supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

#### Formality Rejection

Claim 20 was objected to for informalities. As indicated, claim 20 is being amended as required by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

#### Prior Art Rejections

Claims 1, 5-7, 10-16, 18 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Obha et al. (U.S. Pat. No. 6,605,344), and claims 9 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Obha '344. Applicants have reviewed the above rejection, and hereby respectfully traverse for the reasons set forth below.

The multi-layer film of the present invention, as now recited in claim 1, has a layer structure that a polyvalent metal compound-containing layer (B) adjoins one side or both sides of a polymer layer (A), the polymer layer (A) containing a carboxyl group-containing polymer as one and only polymer element making up the polymer layer (A) (*"Besides the carboxyl group-containing polymer, other polymers may be mixed and used as polymers making up the film according to the present invention within limits not impeding the properties of the film, ...In many cases, it is preferable to use the carboxyl group-containing polymer alone."* [0042] of the corresponding US Pub. No. 2007/0134476), and the carboxyl group-containing polymer containing a polyvalent metal salt.

(1) The multi-layer film has either a layer structure (i) (A)/(B), and the polymer layer (A) has a concentration gradient structure that the concentration of the polyvalent metal salt of the carboxyl group-containing polymer in the polymer layer (A) is continuously reduced up to a surface opposite to a surface adjoining the polyvalent metal compound-containing layer (B) of the polymer layer (A) in a thickness-wise direction from the adjoining surface, or (claim 2; Example 1 shown in Fig. 3) a layer structure (ii) of (B)/(A)/(B), and the polymer layer (A) has a concentration gradient structure that the concentration of the polyvalent metal salt of the carboxyl group-containing polymer in the polymer layer (A) is continuously reduced up to a central portion of the polymer layer (A) in a thickness-wise direction from two surfaces each adjoining to one of the polyvalent metal compound-containing layers (B) (claim 4; Example 2 shown in Fig. 4).

(2) A peak ratio  $A_{1560}/A_{1700}$  of the height  $A_{1560}$  of an absorption peak at a wave number of  $1560\text{ cm}^{-1}$  to the height  $A_{1700}$  of an absorption peak at a wave number of  $1700\text{ cm}^{-1}$  as determined on the basis of an infrared absorption spectrum of the polymer layer (A) is at least 0.25.

Applicants respectfully contend that Obha '344 fails to teach or suggest (1) such "a polymer layer (A) containing a carboxyl group-containing polymer as *one and only one* polymer element making up the polymer layer (A)," and (2) the specified concentration gradient structure as recited in (i) or (ii) and the peak ratio recited in claim 1.

Regarding the (1) set of features, in contrast, the alleged the carboxyl group-containing polymer layer (A) in Obha '344 has polyalcohol (i.e., another polymer element) in addition to a carboxyl group-containing polymer as polymer elements making up the polymer layer (A). Obha '344 corresponds to JP 2000-931, which was discussed on page 3, last paragraph to page 4, second paragraph of the specification.

Regarding the (2) set of features, contrary to the Examiner's assertion (p. 5, last paragraph of the outstanding Office Action) that the peak ratio recited in claim 1 was inherent in Obha '344, Applicants respectfully contend that the peak ratio recited in claim 1, the specified concentration gradient structure as recited in (i) or (ii) and the peak ratio of claim 1 are not achieved by Obha '344 due to the present of other polymer than a carboxyl group-containing polymer. Attached hereto is another Declaration under 37 C.F.R. §1.132 attesting to the above in detail for the Examiner's consideration. *"This peak ratio is an index indicating the degree of ionization by the polyvalent metal compound. If this peak ratio is too low, it is difficult to achieve sufficient gas barrier property, water resistance, hot water*

*resistance and water vapor resistance upon processing of the multi-layer film into a product (page 33, lines 9-14)”.*

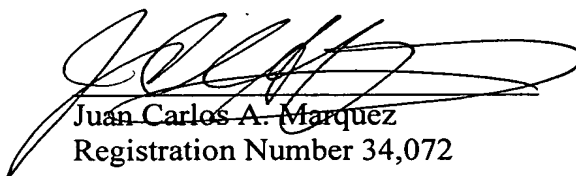
Applicants contend that Obha '344 fails to teach or suggest each and every feature of the present invention as recited in at least independent claim 1. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is thus respectfully solicited.

#### Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

  
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**May 12, 2009**

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